



CASE NO. 04-10258NG

MOTION TO CONTINUE AND RESCHEDULE TRIAL

BARRIE PASTER, M.D.,
Defendant

Counsel for defendant represents one of four defendants in another malpractice action pending in Bristol Superior Court (Lannan, et al v. Schlitzer, et al, Civil Action No. 2001-01069). That matter had been previously set for trial on November 6, 2006, but in early October, the session clerk in Bristol advised that the Court was ready for this case as were all counsel. A mediation conference had been held and failed. The Bristol case is one involving the birth of a child and allegations of neurologic damage. Trial of that case is not expected to conclude until late in the week of November 13th.

Counsel for defendant notified the clerk in the Pernokas matter of that scheduling issue and also advised counsel for plaintiff. Counsel for plaintiff does not oppose this request for a continuance.

Should the Court be inclined to continue this trial date, both counsel request the opportunity to appear before the Court for purposes of a trial scheduling conference so that a realistic new trial date might be scheduled in light of counsels' trial schedule and the scheduling difficulties relative to the experts.

MARTIN, MAGNUSON, McCARTHY
& KENNEY

/s/ Charles P. Reidy, III
Charles P. Reidy, III
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Assented to:

/s/ Robert C. Gabler
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CERTIFICATE OF SERVICE

I, Charles P. Reidy, III, attorney for defendant, Barrie Paster, M.D., hereby certify that on the 20th day of October, 2006, a copy of the above document was sent via fax to Robert C. Gabler, Esquire, 100 Summer Street, Suite 3232, Boston, MA 02110.

/s/ Charles P. Reidy, III
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